

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

MARY POLANCO,

Plaintiff,

vs.

No.

UNITED STATES OF AMERICA,

Defendant.

**COMPLAINT FOR DAMAGES**  
**ARISING FROM INJURY AT FEDERAL FACILITY**

Plaintiff alleges as follows:

**Jurisdiction and Parties**

1. This action is brought under the Federal Tort Claims Act. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1346(b)(1).

2. Plaintiff Mary Polanco resides at Dulce, New Mexico. She was injured in the course of getting her mail at the United States Postal Service post office at Dulce.

3. The United States Postal Service (USPS) is an independent agency of the executive branch of the United States Government that provides postal service in the United States, and operated the post office at Dulce.

**Facts Giving Rise to the Claim**

4. On March 6, 2014, Mary Polanco was at the post office at Dulce, New Mexico to get the mail from her post office box.

5. As she left the post office building, her foot struck a mat that was sticking up above the walking surface. The mat was intended to lie in a recessed section of the

sidewalk, so that it was flush with the sidewalk, but it had come to be above the level of the sidewalk.

6. As a result of the mat protruding above the sidewalk, when Ms. Polanco's foot struck it she tripped and fell. She fell onto the concrete walkway, hitting her left hand and left side.

7. Ms. Polanco sustained fractures of the femoral neck and pubic ramus of the left hip. This was treated with a hemi-arthroplasty surgery, which replaces the ball of the hip joint.

8. Ms. Polanco also sustained fractures of her left ulna and radius. She had had a prior surgery of the left wrist, with a metal plate inserted. Her fall at the post office bent the plate as well as breaking her distal radius. A new plate was installed on the radius, and the fractured end of the ulna was repaired.

9. As a result of these injuries, Ms. Polanco was hospitalized, had surgery on both the hip and the wrist, and required inpatient rehabilitation therapy.

10. Because of these injuries, Ms. Polanco has incurred substantial medical care expenses, and additional expenses are expected in the future.

11. Ms. Polanco has permanent functional limitations and chronic pain since the accident. She can sit, stand and walk, but she is careful sitting and rising. She walks with a walker as a precaution. She no longer goes for walks, whereas she used to walk a quarter mile to the post office, and walk to church or to her daughter's house. She cannot attend Native American cultural events. She uses a motorized cart when shopping.

12. Ms. Polanco was 75 years old at the time of these injuries, and is now 76. She had worked as a journalist, and travelled widely. Her injuries will have a huge effect upon the quality of her remaining years.

**Claim for Relief**

13. Defendant, through personnel of the USPS, negligently failed to exercise due care in the inspection, supervision and maintenance of the Dulce post office and its ingress and egress routes, causing or allowing the condition of an uneven and unsafe walking surface at an unexpected location.

14. These actions of Defendant's personnel fell below the applicable standards of care and constitute negligence under the law of the place where the acts occurred.

15. This negligence directly and proximately caused the injuries and damages incurred by Ms. Polanco.

16. The United States is liable for damages resulting from these acts and omissions, pursuant to 28 U.S.C. § 2674.

17. Plaintiff has exhausted her administrative remedy by filing a claim more than six months prior to the filing of this complaint, in compliance with 28 U.S.C. § 2675(a). The administrative claim was denied by letter from the Postal Service dated March 26, 2015.

Wherefore, Plaintiff requests that this Court enter judgment in her favor and award damages in an amount proven at trial and such other and further relief as the Court may deem appropriate.

Respectfully submitted,

/s/

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